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46629	7590	10/04/2005	EXAMINER	
BAKER BOTTS, LLP 2001 ROSS AVENUE, 6TH FLOOR DALLAS, TX 75201			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2174	
DATE MAILED: 10/04/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/034,491

Applicant(s)

LINDER, JAMES D.

Examiner

Ryan F. Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-23 have been examined.

### *Response to Amendment*

2. This communication is in response to Amendment A, filed on 7/8/2005. Claim 17 was cancelled. Claims 1,3,6,12,23 were amended. Claim 24 was added as new. This action is made Final.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3,7-9,12-14,18-20,24 are rejected under 35 U.S.C. 102(e) as being anticipated by Bigelow ("Bigelow", US 6,647,305).

As per independent claim 1, Bigelow discloses a data processing system, comprising: a user interface operable to display information to a user and to receive commands from a user accessing a digital model data set (Figure 4, Column 5 lines 36-42); a digital model data set comprising data associated with the form of mechanical structures (Figure 4, *bolt*); and a business process attribute data set linked to the digital

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model data set such that various elements within the digital model data set are linked to business process attributes within the business process attribute data set such that users of the data processing system are displayed business process attribute display elements when a display element associated with a mechanical component defined by the digital model data set is displayed to the user (Figure 4 item 402; Column 6 lines 20-29); and wherein the business process attribute comprises one of: quality information defining a quality level parameter associated with a component represented in the digital model data set; safety information defining a safety level parameter associated with a component represented in the digital model data set; (Column 5 lines 64-67; *wherein properties corresponding to web objects which define properties of safety such as the tolerance*) revision information defining a revision parameter associated with a component represented in the digital model data set; and an information related to a component associated with data within the digital model data set .

As per claim 2, which is dependent on claim 1, Bigelow discloses a system wherein the business process attribute comprises quality information defining a quality level parameter associated with a component represented in the digital model data set (Column 5 lines 64-67; *wherein properties corresponding to web objects which define properties of quality such as the material composition*).

As per claim 3, which is independent, Bigelow a data processing system, comprising: a user interface operable to display information to a user and to receive commands from a user accessing a digital model data set (Figure 4, Column 5 lines 36-42); a digital model data set comprising data associated with the form of mechanical

structures (Figure 4; bolt); a business attribute data set linked to the digital model data set such that various elements within the digital model data set are linked to business process attributes within the business process attribute data set such that users of the data processing system are displayed business process attribute display elements when a display element associated with a mechanical component defined by the digital model data set is displayed to the user (Figure 4 item 402, Column 6 lines 20-29); and wherein the business process attribute comprises safety information defining a safety level parameter associated with a component represented in the digital model data set (Column 5 lines 64-67; *wherein properties corresponding to web objects which define properties of safety such as the tolerance*).

As per claim 7, which is dependent on claim 1, Bigelow discloses a system further comprising a knowledge base data set engine coupled to and operable to access various knowledge base data sets, the knowledge base data set engine operable to inferentially apply business process attributes to features within the digital model data set responsive to information linked to such features within the knowledge base data sets accessible to the knowledge base data set engine (Column 7 lines 15-29; *inferentially applying web objects to specific CAD objects properties*).

As per claim 8, which is dependent on claim 7, Bigelow discloses a system wherein the knowledge base data set engine is operable to automatically inferentially apply a quality information business process attribute to a feature included within the digital model data set. (Column 7 lines 25-30; wherein properties can be defined Column 7 lines 50-53).

As per claim 9, which is dependent on claim 7, Bigelow discloses a system wherein the knowledge base data set engine is operable to automatically inferentially apply a safety information business process attribute to a feature included within the digital model data set (Column 7 lines 25-30; wherein properties can be defined Column 7 lines 50-53).

Claims 12,18 are similar in scope to that of claim 7, and are therefore rejected under similar rationale.

Claims 13,19 are individually similar in scope to that of claim 2, and are therefore rejected under similar rationale.

Claims 14,20 are individually similar in scope to that of claim 3, and are therefore rejected under similar rationale.

Claim 24 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4,10,15,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigelow ("Bigelow", US 6,647,305) in view of Keohane et al ("Keohane", US 2003/0001891).

As per claim 4, which is dependent on claim 1, Bigelow fails to distinctly point out a revision parameter associated with a component. However, Keohane teaches a system wherein the business process attribute comprises revision information defining a revision parameter associated with a component represented in the digital model data set ([0026] lines 4-16; *noting the revisions*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Bigelow with the teaching of Keohane. Motivation to do so would be to provide a visual way of notifying a change in the object.

As per claim 10, which is dependent on claim 7, Bigelow fails to distinctly point out a revision parameter associated with a component. However, Keohane teaches a system wherein the business process attribute comprises revision information defining a revision parameter associated with a component represented in the digital model data set ([0026] lines 4-16; *noting the revisions*). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Bigelow with the teaching of Keohane. Motivation to do so would be to provide a visual way of notifying a change in the object.

Claims 15,21 are individually similar in scope to that of claim 4, and are therefore rejected under similar rationale.

7. Claims 5,6,11,15,16,22,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bigelow ("Bigelow", US 6,647,305) in view of McCloskey et al ("McCloskey", US 2002/0026385).

As per claim 5, which is dependent on claim 1, Bigelow fails to distinctly point out a network address associated with information related to a component. However, McCloskey teaches a system wherein the business process attribute comprises an information address attribute comprising a network address associated with information related to a component associated with data within the digital model data set (Figure 4B). Therefore it would have been obvious to an artisan at the time of the invention to combine the system of Bigelow with the teaching of McCloskey. Motivation to combine would have been to provide an active drawing so that information about the component or object can be accessed quickly.

As per claim 6, which is dependent on claim 5, Bigelow –McCloskey discloses a system wherein the information address attribute comprises a hypertext link address that when displayed to a user of the system and activated by the user of a system will result in the activation of a browser program which is operable to retrieve information stored at the information attribute hypertext link address (McCloskey, Figure 4B).

As per claim 11, which is dependent on claim 7, Bigelow –McCloskey discloses a system wherein the knowledge base data set engine is operable to automatically inferentially apply an information address link attribute to a feature included within the digital model data set (McCloskey, Figure 4B).



Claims 16,22 are individually similar in scope to that of claim 5, and are therefore rejected under similar rationale.

Claim 23 is individually similar in scope to that of claim 6, and is therefore rejected under similar rationale.

### ***Response to Arguments***

Applicant's arguments filed 7/08/2005 have been fully considered but they are not persuasive.

The Applicant argues the following:

- a) Bigelow does not disclose inferentially applying business attributes to features within the digital model data set responsive to information linked to such features within the knowledge base data sets;
- b) Bigelow does not disclose an attribute that defines a safety level parameter;
- c) Bigelow does not disclose an attribute that defines a quality level parameter;
- d) There is no motivation to combine Bigelow and Keohane;
- e) McCloskey does not teach attributes containing network address associated with information related to a component associated with data within the digital model data set.

The Examiner respectfully disagrees:

As per a) Bigelow teaches based on information linked to features such as the Pan option (608). Then inferentially the knowledge base applies information to the Bolt limiting the diameter to 3mm and 10mm.

As per b) tolerances indeed do define a safety level. If tolerances are not met or exceed especially in mechanical parts, It is not safe to use that mechanical part for reasons of breakage alone. Therefore tolerance does define safety level.

As per c) material composites certainly do define a quality factor, if a bolt is made of titanium, it would signify a high quality bolt, however if a bolt was made from tin this would signify a low quality bolt. While the example may seem extreme, the point of a quality level depends of the material it is made from.

As per d) in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Revision is notoriously well known and to show that there has been a change is nothing novel.

As per e) McCloskey teaches a reference corresponding with the part identification data, part description data, and part price data. All of which is information related the part associated with the digital model.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday -Thursday, and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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